IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 1544 OF 2002.

The State of Maharashtra & Ors.... .... Petitioners
V/s
Sunil Namdeo Shirdhankar.... .... Respondent.

Mr.S.R.Nargolkar, AGP for the petitioners.

Mr.M.S.Karnik, Adv. For respondents.

CORAM: V.G. PALSHIKAR, Ag. C.J.
AND
SMT.NISHIT MHATRE, J.

20.01.2006.

PC:

By this petition the petitioners-State of Maharashtra have impugned the order passed by the Maharashtra Administrative Tribunal holding, relying on earlier decision that the Disciplinary Authority does not have power to conduct enquiry in police department. This question is fully covered by the Judgment of this Court reported in the case of ***State of Maharashtra & Anr.*** V/s ***Dilip Anant Surve***, 2005 (3) Mh. L.J., 98.

2. However Shri Karnik, learned counsel appearing on behalf of the respondent submits that apart from this question original application before the Tribunal also challenged the correctness of the procedure in relation to enquiry conducted which obviously is not decided by the impugned order. In such circumstances, interest of justice would be met by setting aside the order impugned in this petition and remitting the matter back to the Tribunal for adjudication of the remaining points in accordance with law. Order accordingly. Petition stands disposed of.

20.1.06